

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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PHILIP SIMON,

Petitioner,

v.

**ORDER**

Civil File No. 08-4804 (MJD/JJK)

M. CRUZ, Warden,

Respondent.

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Philip Simon, pro se.

Tracy L. Perzel, United States Attorney's Office, Counsel for Defendant.

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This matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes [Docket No. 12]. Plaintiff Philip Simon filed objections to the Report and Recommendation. Pursuant to statute, the Court has conducted a de novo review of the record. See 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation [Docket No. 12].
2. Petitioner's Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 [Docket No. 1] is **DENIED**.
3. This action is **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Date: May 29, 2009

s/Michael J. Davis  
Michael J. Davis  
Chief Judge  
United States District Court